II. AMENDMENT OF THE CLAIMS

COMPLETE LIST OF CLAIMS THAT ARE OR HAVE BEEN BEFORE THE OFFICE AFTER ENTRANCE OF THE AMENDMENTS MADE HEREIN

The following claims constitute a complete list of claims that are or have been before the office after entrance of the amendments made herein. Amendments to the claims are indicated in accord with Revised 37 C.F.R. §1.121 (which while having an effective date of July 30, 2003 the USPTO is urging to be complied with at this time). In accord with such regulation, the listing of claims set forth below replaces all prior versions, and listings, of claims in the application:

COMPLETE LIST OF CLAIMS THAT ARE OR HAVE BEEN BEFORE THE OFFICE AFTER ENTRANCE OF THE AMENDMENTS MADE HEREIN FOLLOW NEXT PAGE:

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1. (AMENDED)   A method for <u>real-time</u> monitoring the operational condition of a motor vehicle comprising: instantly and continuously defining, measuring and monitoring <u>a contour or a silhouette of key features of an object</u> associated with the operational condition of [[a]] <u>said</u> motor vehicle <u>when the motor is running</u>.

2. (CANCELLED)

3. (AMENDED)   The method of claim 1 ~~further comprising:~~ wherein the real-time monitoring of <u>the object</u> ~~an operator of a motor vehicle~~ by <u>comprises</u> directly scanning and monitoring <u>key features defining the object</u> the <u>in the form of</u> eyes or pupils, face and upper torso of ~~the~~ <u>an</u> operator of the motor vehicle and assessing any change of said eyes or pupils, <u>pupil reflex,</u> face<u>/head</u> and upper torso to prevent a breakdown of the operational condition of a motor vehicle.

4. (ORIGINAL)   The method of claim 1 further comprising: employing an Intelligent object tracking device, capable of real time silhouette and eye pupil scanning, monitoring, tracking and real time computer-based image processing.

5. (AMENDED)   A system for monitoring the operational condition of a motor vehicle, comprising:

a contour definition device mounted in a vehicle configured to generate <u>an outline</u> ~~silhouette~~ of ~~the~~ <u>a</u> face/head of the operator of a motor vehicle;

a pupil reflex determination device mounted in a vehicle configured to locate the presence of ~~the~~ pupils in a defined zone overlying the outline of the face/head of the operator of a motor vehicle;

a device capable of real-time monitoring position of the outline of the face/head of the operator of a motor vehicle while the operator is seated in the operator seat with the engine motor running;

a device capable of real-time monitoring of the position of the pupils of the operator of a motor vehicle while the operator is seated in the operator seat with the engine motor running;

a device capable of real-time tracking of the position of the face/head of the operator of a motor vehicle while the operator is seated in the operator seat with the engine motor running; and

a device capable of real-time tracking of the position of the pupils of the operator of a motor vehicle while the operator is seated in the operator seat with the engine motor running.

6. (ORIGINAL)   The system of claim 5, wherein the motor vehicle comprises: a motor vehicle, a truck, a bus, a tractor, a crane, a 2-or 3-wheel conveyance, an airborne motorized transport, or a motorized water craft.

7. (ORIGINAL)   The system of claim 5, wherein the operational condition monitored is the presence of the operator in the operator seat.

8. (ORIGINAL)   The system of claim 5, wherein the condition monitored is whether the motor vehicle engine is running.

9. (ORIGINAL)   The system of claim 5, wherein the scanning beam comprises:
     an infrared beam;
     a radio frequency beam; and
     an ultrasound beam.

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10. (ORIGINAL)   The system of claim5, wherein the silhouette is defined as contours outlining an operator.

11. (ORIGINAL)   The system according to claim 5, wherein the definition of silhouette comprises the contour or outline of the face/head.

12. (ORIGINAL)   The system of claim 5, wherein the silhouette is stored in memory.

13. (ORIGINAL)   The system of claim 5, wherein the silhouette is tracked for the motion.

14. (ORIGINAL)   The system of claim 5, wherein the silhouette is tracked for any change in its contours.

15. (AMENDED)   The system ~~method~~ according to claim 5, wherein the change of the outline comprises:

        any change in shape of the silhouette while tracked within a defined zone;

        any change in position of the silhouette (i. e. lateral, vertical, torsional or oblique) within a defined zone.

16. (AMENDED)   The system ~~method~~ of claim 5, wherein the defined zone comprises:

        an area defined vertically, horizontally and axially within which an operator can safely operate the motor vehicle.

17. (ORIGINAL)   The system of claim 5, wherein the pupils are detected within the silhouette.

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18. (ORIGINAL)   The system of claim 5, wherein the pupils detected within the silhouette are stored in memory.

19. (ORIGINAL)   The system of claim 5, wherein the pupils detected within the silhouette are tracked for the motion.

20. (ORIGINAL)   The system of claim 5, wherein the pupils detected within the silhouette are tracked for any change in size, shape and definition.

21. (ORIGINAL)   The system of claim 20, wherein the change of the size, shape and definition comprises:

   any change in size of the pupils;

   any change in the shape of the pupils; and

   any change in position of the pupils, i. e. lateral, vertical, torsional or oblique.

22. (NEW)   A computer-based programmed method for monitoring the operational condition of a vehicle employing an intelligent object tracking device in real-time, comprising the steps of:

(i) generating a silhouette of a vehicle operator located in said vehicle;

(ii) defining and scanning operator face/head and upper torso silhouette;

(iii) locating pupils in a defined zone overlying the contours of the operator face/head and determine pupil reflex; and

(iv) continuously and instantly monitoring and tracking the position of the pupils and face/head of said operator with the vehicle motor running.